

Application No. 10/706,701
Amendment dated February 11, 2008
Reply to Office Action of January 7, 2008

Docket No.: NY-ROCHE 203-US

REMARKS

Entry of the foregoing amendment is requested. Claims 1 and 6 have been amended. Claims 1 and 5-14 are pending.

Applicants note with appreciation the indicated allowability of claim 2.

Claims 6 has been amended to address the rejection thereof, under 35 U.S.C. § 112, second paragraph. Language has been added to parts (d), (e), and (f) which parallels (a) - (c). The language has not been added to part (g) because (g) defines a complete molecule.

The Examiner has rejected claims 1 and 5-14 under obviousness type double patenting grounds, in view of co-pending application 11/013,560, and 10/634,477. Applicants have studied these rejections carefully, and traverse.

With respect to 11/013,560, the Examiner argues that the application claims the treatment of chronic inflammatory intestinal disease. The Examiner argues further that since the claims recite only one step, the resulting effect will be the same.

Applicants note that as amended, claim 1 requires a specific "patient pool," which is not coextensive with the subject matter of 11/013,560. One does not necessarily equate treatment of chronic inflammatory intestinal diseases with heart diseases accompanied by iron distribution disturbances. There is no showing that therapies for one condition would be expected to be effective for the other.

To the same end, the Examiner argues with respect to 10/634,477, that heart disease is a risk with diabetes.

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The fact that two conditions may sometimes be associated with each other does not de facto mean that they always are, or that what works as an effective therapy for one condition would be expected to work for the other.

In view of the foregoing, withdrawal of the rejection, and allowance of claims 1 and 5-14 is believed proper, and is urged.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-ROCHE 203-US (10701186) from which the undersigned is authorized to draw.

Dated: February 11, 2008

Respectfully submitted,

By 

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